

### **REMARKS**

Claims 2, 5, 9, 12, 15, 19, 23, and 25 have been amended. No claims have been canceled or added. Accordingly, claims 2, 3, 5, 9, and 12-29 are currently pending in this application.

### **Amendments to the Claims**

In independent claims 2 and 12, the phrase “power-managed host computer that is one of a laptop computer and a portable computer operable in either a power-managed state or an operational state” has been substituted for “host computer”.

Similarly, in independent claim 23, the phrase “wherein the host computer is a power-managed laptop or portable computer operable in either a power-managed state or an operational state” has been added.

Support for “power-managed state” and “operational state” may be found, for example, in original claim 3. Support for “laptop computer” and “portable computer” may be found, for example, on page 9, line 8.

In dependent claims 5, 9, 15, 19, and 25, “the determining operation” has been substituted for “a determining element”. Regarding claim 5, this phrase refers to the “determining” operation recited in claim 2. Similar antecedent basis may be found within the claims upon which claims 9, 15, 19, and 25 are dependent. Support for the word “operation” may be found, for example, on page 6, lines 13 and 24, and on page 8, line 27.

### **The Rejection of Claims 2, 3, 5, 9, and 12-29 under 35 U.S.C. §103(a)**

Claims 2, 3, 5, 9, and 12-29 were rejected under 35 U.S.C. §103(a) as being unpatentable over Graham-Cummings, Jr. (U.S. 6,182,146, referred to as “Graham” herein) in view of “Applicant’s Admitted Prior Art” (AAPA). Applicant respectfully traverses the rejection and requests the Examiner to consider the following:

AAPA states (page 2, lines 7-12) that “In order to save electricity, the host computer typically enters a power-managed state when it is not receiving packets. During a power-managed state, the host computer uses less electricity by powering down or reducing electricity to selected computer components. When the network adapter detects a packet for which the host

computer is the final destination, the adapter sends the host a wake-up signal, which causes the host to return to its operational working state”.

It will be noted that AAPA does not disclose anything concerning waking up a host computer when there is a host application assigned to a port number of a received packet. In AAPA, a host computer is wakened whenever the network adapter detects the host computer's destination (i.e. network) address. As mentioned in AAPA, this is very inefficient, wasting the host computer's resources and making it more vulnerable to attack (page 2, lines 17-22).

Graham discloses, in FIG. 3, a packet analysis module 100, an application identifier module 102, and an application-port mapping table 104. Graham states that these elements may be included in various different products, such as “network monitors, protocol decoders, protocol analyzers, routers, brouters, bridges” (col. 5, lines 19-22). Graham's packet analysis module applies identification logic to the packet to identify an application based on packet data (see Abstract). The stated summary and purpose of Graham's system is to provide improved accuracy in the detection and accounting of traffic data, and in the ability to accurately report and manage such traffic (col. 12, line 66 through col. 13, line 5).

It will be noted that Graham specifically states that the types of systems that incorporate its teachings are “network monitors, protocol decoders, protocol analyzers, routers, brouters, and bridges”. Applicant respectfully asserts that these types of computer systems are typically high performance desktops, servers, and mini-computers. From an operational standpoint, they would desirably be in a “ready” status at all times in order to efficiently monitor and manage network traffic, which, as mentioned earlier, is the stated purpose of Graham's subject matter. Thus, there would be no motivation to combine AAPA with Graham, because it would be undesirable to operate Graham's systems in a power-managed state. In summary, Graham teaches away from managing power resources.

Each of independent claims 2, 12, and 23, as amended, contains the limitation that the host computer is power-managed, that it is operable in either a power-managed state or an operational state, and that it is either a laptop computer or a personal computer.

It will be noted that neither AAPA nor Graham discuss power management in resource-limited computers, specifically laptop computers and portable computers.

To establish a *prima facie* case of obviousness under 35 U.S.C. §103, the prior art reference (or references when combined) must teach or suggest every limitation of the claim. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA, 1974). MPEP §2143.

The asserted combination of Graham in view of AAPA fails to teach or suggest all of the claim limitations present in independent claims 2, 12, and 23, as amended, so a *prima facie* case of obviousness has not been established.

For the above reasons, claims 2, 12, and 23 should be found to be allowable over any combination of Graham and AAPA, and Applicant respectfully requests that the rejection of claims 2, 12, and 23 under 35 U.S.C. §103(a) as being unpatentable over Graham in view of AAPA should be withdrawn.

Claims 3, 5, 9, 13-22, and 24-29, which depend from claims 2, 12, and 23 and incorporate all of the limitations therein, are also asserted to be allowable for the reasons presented above.

#### **Additional Elements and Limitations**

Applicant considers additional elements and limitations of claims 2, 3, 5, 9, and 12-29 to further distinguish over the cited references, and Applicant reserves the right to present arguments to this effect at a later date.

Serial Number: 09/746205

Dkt: 884.336US1 (INTEL)

Filing Date: December 22, 2000

Title: PORT-BASED PACKET FILTER

Assignee: Intel Corporation

Conclusion

It is respectfully submitted that a *prima facie* case of obviousness under 35 U.S.C. §103(a) has not been established. Therefore, it is respectfully requested that the rejection of claims 2, 3, 5, 9, and 12-29 be withdrawn. Applicant respectfully submits that claims 2, 3, 5, 9, and 12-29 are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney, Lucinda Price (located in Gainesville, Florida), at (352) 373-8804, or Applicant's below-named representative (located in Minneapolis, Minnesota), if prosecution will be assisted thereby.

Respectfully submitted,

CHARLES L. BRABENAC

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
Attorneys for Intel Corporation  
P.O. Box 2938  
Minneapolis, Minnesota 55402  
(612) 349-9592

Date

Aug. 2, 2004

By

Ann M. McCrackin  
Ann M. McCrackin  
Reg. No. 42,858

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 2 day of August, 2004.

Name

KACIA LEE

Signature

Kacia Lee